

REMARKS

Claims 1-9 and 14-24 are all the claims pending in the application. In response to the Office Action, Applicants affirm the election made to Group I, claims 1-9, and thus have canceled claims 10-13 without prejudice or disclaimer. Accordingly, Applicants reserve the right to file a divisional application pertaining to the canceled claims 10-13 in the future. Applicants also have added new claims 14-24 to more particularly define the invention.

Applicants amended the specification to address minor inadvertent errors. Applicants have amended claim 8, and related claim 9, as well as made minor clarification changes to the specification in response to the 35 U.S.C. Section 112, first paragraph, rejection. All amendments to the specification have been made without adding any new matter. Claims 1-9 stand rejected on prior art grounds. Applicants respectfully traverse the prior art rejections based on the following discussion.

I. 35 U.S.C. Section 112, First Paragraph Rejection

In response to the Examiner's comments, Applicant, as indicated above, has amended claims 8 and 9 as well as made minor clarifications to Page 8 of the specification consistent with the comments. Please note, according to the specification, the user mount 7 is not limited to a ball and socket mount as "similar" mounting mechanisms 7 may be used. Further, as shown in Figure 4, the invention 8 may include more than one reflective surface 6 in accordance with the "needs of the user," that is, "without being directly behind the weapon or system." Accordingly, the reflective surfaces 6 "may be mounted [directly or indirectly] to the base 1."

In addition, as shown in Figures 3 and 4, a magnifying lens 9 may be also be "positioned," such as, directly or indirectly, over the reflective surface(s) that the user 12 is viewing. (See Application, Page 3, lines 15-17; Page 8, lines 1-9; and Figures 3 and 4).

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejection.

II. The Prior Art Rejections

Claims 1 and 2 are rejected under 35 U.S.C. Section 102(b) as being anticipated by Geis. ("Geis")(U.S. Patent No. 880,378). Claims 3-5 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Geis in view of Luebkmann ("Luebkmann")(U.S. Patent No. 3,912,400). Claims 6-8 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Luebkmann and Geis as applied to claims 1-5 above, and further in view of Pinkley ("Pinkley")(U.S. Patent No. 6,813,855).

A. The Rejection Based on Geis

Regarding claim 1, Geis fails to disclose, teach or suggest the features of independent claim 1, and related dependent claims 2 -7 and similarly, amended (independent) claim 8, including the reflective surface is angularly adjustable at various angles to the reference. (See Application, Page 5, lines 11-14; page 5, line 20-Page 6, line 1; Page 7, line 20-22; Page 8, lines 4-7 and lines 6, lines 1-4; Page 8, lines 11-13; and Figures 1-4).

Indeed, Figures 1-3 of Geis merely teach a conventional device for aiming from a cover where the device is easily affixed to a rifle. The device includes an upright bar h attached to a saddle a where a sleeve k is "vertically adjustable" by means of a handle I and the sleeve k carries an arm l bent in several directions. Further, the arm l carries a mirror m (what the Office Action appears to analogize, incorrectly, to a reflective surface moveably mounted substantially axially with the surface) and a second mirror n. In particular, the mirror m is arranged so that a lower part of the mirror's reflecting

surface "lies behind the breech sight so a line drawn along the front and breech sights indicating a ray of light is reflected on to the second mirror n at an acute angle. As indicated, the mirror m is only vertically adjustable up and down the upright bar h but is not a reflective surface angularly adjustable at various angles to the reference as claimed by Applicant.

Further, the mirror n is rotatably mounted so the angle of the mirror n is adjusted to the position of the rifleman. Mirror n is more structurally and functionally equivalent to a second reflective surface, which reflects a ray of light from a first mirror m, not a reflective surface moveably mounted substantially axially with the surface, let alone, where the reflective surface is angularly adjustable at various angles to the reference as claimed by Applicant. Accordingly, the Geis aiming device is structurally distinct from Applicant's invention. Thus, Geis does not disclose, teach or suggest including where the reflective surface is angularly adjustable at various angles to the reference. (See Office Action, Page 3-Page 4, Section 8; and Geis, Column 1, lines 1-15; Column 1 line 25-Column 2, line 73; and Figures 1-3).

In contrast, as indicated briefly above, Applicant's invention includes an improved aiming device for a weapon or weapon system. The invention includes an aiming device 2 with a surface 3 that a line of sight 4 passes through to indicate where a weapon is aimed in relation to a reference 5 of a target X and a reflective surface 6. In particular, the reflective surface 6 is positioned axially in relation to the aiming device 2 and the target X. Further, the reflective surface 6 is mounted to the base 1 using a mounting mechanism 7, or a similar mounting mechanism, which permits the reflective surface to move in two or three dimensions, for example, as recited in new claim 14. Accordingly, the mounting mechanism 7 allows a user 12 to adjust a position of the reflective surface 6 at various angles to the reference 5 in order to obtain a line of sight 10 between the user 12 and the reflective surface 6 unlike the Geis structure. Applicants' configuration further allows the user 12 to see the line

of sight 4 between the reflective surface 6 and the target X by seeing the reference 5. (See Application, Page 5, line 16-Page 6, line 1; Page 7, lines 10-13; Page 8, lines 3-5; and Figures 1-4).

As clearly indicated in Figures 1 and 3, the reflective surface 6 is angularly adjustable at various angles to the reference 4, whereas Geis only discloses, in part, the mirror m is vertically adjustable not angularly adjustable. (See above).

A final structural difference is that Geis only indicates, at best, a front aiming device not an aiming device 2, including a reference 5, which may be a laser light reference, as disclosed by Applicant

Accordingly, contrary to the assertion in the Office Action, Geis only discloses a vertically adjustable reflective surface m, which is not angularly adjustable. Therefore, Applicant's invention is a distinct structure compared to the conventional Geis structure. Thus, Geis does not disclose, teach or suggest including the reflective surface is angularly adjustable at various angles to the reference. (See above).

Based on the above, the Applicants traverse the assertion that Geis discloses or teaches Applicants' invention of independent claim 1, and related dependent claims 2-7 as well as similar amended (independent) claim 8.

B. The Rejection Based on Geis in view of Luebkmann

Regarding independent claim 1, and related dependent claims 3-5, first the references, separately, or in combination, fail to disclose, teach or suggest a reason or motivation for being combined.

In particular, Geis, as previously indicated, pertains to a device, including a conventional sight, for aiming from a cover where the device is easily affixed to a rifle. (See Geis, Column 1, lines 1-15).

By contrast, Luebkmann pertains to a molded binocular gun sight lens structure for replacing the conventional bead or bar sights. (See Luebkmann at Abstract; and Column 1, lines 4-14).

Nothing within Luebkmann, which relates to a binocular sight, suggests a conventional sight for aiming from a cover. Indeed, Luebkmann teaches away from Geis as the Luebkmann structure may be used to replace the conventional sight used in the Geis invention of 66 years earlier. Thus, these structures are unrelated and function differently even though they may both be placed on a gun.

Therefore, one of ordinary skill in the art would not have combined these references absent hindsight.

Second, even assuming that the references would have been combined, Geis, as indicated above, does not disclose, teach or suggest the features of independent claim 1, including the reflective surface is angularly adjustable at various angles to the reference. (See above).

Further, regarding claim 3, Applicant agrees with the Office Action that Geis also does not disclose, teach or suggest a holographic sight. (See Office Action, Page 4, Section 11, Last Paragraph).

Luebkmann is also deficient.

Instead, Figures 1-5 of Luebkmann merely disclose a molded binocular gun sight lens structure for placement on a shotgun barrel 26. The gun sight structure includes a die part 10 with a curved cavity 13 with a lens 12 where the lens 12 includes a convex surface 14 and a cooperating die part 11 with a blind end cavity 15. Die parts 10 and 11 form a cavity mold in which the lens 12 is made by injection molding. Accordingly, this structure, including the lens 12, is mounted in a stationary manner in the surrounding die parts 10,11, without being adjustable. Indeed, this lens structure is positioned on a muzzle end of a barrel of a firearm or other sight devices. This structure is not a reflective surface moveably mounted substantially axially with the surface, let alone, where the

reflective surface is angularly adjustable at various angles to the reference as claimed by Applicant. Therefore, Luebkmann only discloses a stationary lens in a molded body used as a gun sight lens without any reflective surface moveably mounted substantially axially with a surface, let alone, the reflective surface is angularly adjustable at various angles to a reference. Thus, Applicant traverses the assertion that Luebkmann teaches Applicant's invention. (See Luebkmann at Abstract; Column 2, lines 7-38; and Figures 1-5).

For at least the reasons outlined above, Applicant respectfully submits that neither Geis nor Luebkmann, alone or in combination, disclose, teach or suggest including, the reflective surface is angularly adjustable at various angles to the reference as recited in independent claim 1 of Applicant's invention.

For the reasons stated above, the claimed invention, and the invention as cited in independent claim 1, and related dependent claims 3-5, is fully patentable over the cited references.

C. The Pinkley Reference

To make up for the deficiencies of Geis and Luebkmann, the Examiner relies on Pinkley. Pinkley fails to do so.

Second, Pinkley does not have the same aim as Geis or Luebkmann as discussed above, and the urged combination would not have been made absent hindsight.

Third, Pinkley, which relates to aligning vertical cross hair of a reticle system, does not disclose, teach or suggest, including the reflective surface is angularly adjustable at various angles to the reference as recited in independent claim 1. (See Pinkley at Abstract; and Column 1, lines 14-20 and lines 33-45).

In addition, Pinkley does not disclose, teach or suggest, including a leveling mechanism attached to a base as recited in claim 6. Pinkley also does not disclose, teach or suggest, including the leveling mechanism includes a bubble level as recited in claim 7. Pinkley further does not disclose, teach or suggest, including at least a second reflective surface moveably connected to the base recited as a feature of amended claim 8.

Instead, Pinkley only discloses a gunsight reticle alignment for aligning the vertical cross hair of the reticle system of an attached sighting scope to be parallel to a symmetry axis of the firearm, which is vertical and perpendicular to a firearm bore, to improve the accuracy of the shot. Since Pinkley does not disclose, teach or suggest any reflective surface moveably mounted substantially axially with a surface, let alone, the reflective surface is angularly adjustable at various angles to a reference, Pinkley is deficient and thus does not teach the limitations of claims 6-8. (See Pinkley at Abstract; Column 1, lines 14-20, lines 33-57; Column 2, lines 30-47; and Figures 1-5).

For the reasons stated above, the claimed invention as defined by dependent claims 6-7 and amended (independent) claim 8 is fully patentable over the cited references.

II. Formal Matters and Conclusions

In view of the foregoing, Applicants submit that claims 1-9 and 14-24, all the claims presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

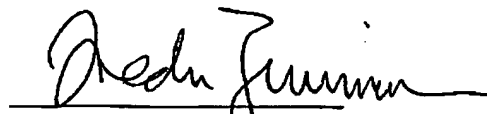
Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

Please charge any deficiencies and credit any overpayment to Attorney's Deposit Account

Number 50-1114.

Respectfully submitted,

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